

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

COURTNEY FONTENOT, ET AL.

CIVIL ACTION NO. 6:17-cv-01639

VERSUS

JUDGE DOUGHTY

HOLDEN PAUL LaFLEUR, ET AL.

MAGISTRATE JUDGE HANNA

REPORT AND RECOMMENDATION

On August 30, 2018, a motion to withdraw as counsel of record (Rec. Doc. 9) was filed by Joseph J. Long, Carmen T. Hebert, and Stephen C. Carleton, all of whom previously enrolled as counsel of record for the plaintiffs in this lawsuit, Courtney Fontenot (on behalf of her minor children RG and CG) and Monica Fontenot (individually and as representative of the Estate of DeJuan Guillory). On August 31, 2018, this Court ordered Courtney Fontenot, Monica Fontenot, and their counsel to personally appear in court on September 20, 2018 to discuss the pending motion and to explore whether the plaintiffs had retained substitute counsel. (Rec. Doc. 10). On September 20, 2018, Monica Fontenot appeared as ordered but Courtney Fontenot did not appear. Also present in court on that date were Mr. Long and Ms. Hebert.

Mr. Long explained that Monica Fontenot had agreed to dismiss her claims in the case. Monica Fontenot was sworn in and testified that she wished to dismiss her claim. Her testimony is interpreted as an oral motion to dismiss her claim, UNDER

Fed. R. Civ. P. 41, which requires review, report, and recommendation to the district judge in accordance with the provisions of 28 U.S.C. § 636 and the standing orders of this Court. Ms. Fontenot testified that her motion was made voluntarily and that she was under no duress to dismiss her claim. Although counsel for the defendants had been expressly excused from attending the hearing (Rec. Doc. 10), a telephone call was placed to Jonathan Vidrine, counsel for the defendants, who stated that the defendants have no objection to Ms. Fontenot dismissing her claim. According, it is recommended that Ms. Fontenot's motion be GRANTED and her claims be DISMISSED WITH PREJUDICE.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds

of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

IT IS ORDERED that the Clerk of Court shall serve a copy of this report and recommendation on Monica Fontenot by e-mail at sausageking337@yahoo.com and by certified mail, return receipt requested, addressed to Monica Fontenot, 1545 Fuselier Road, Mamou, LA 70554.

Signed at Lafayette, Louisiana on this 21st day of September 2018.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE